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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,708	10/24/2003	Ha-Yeong Yang	1594.1301	6794

21171 7590 10/13/2004

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EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/691,708

**Applicant(s)**

YANG, HA-YEONG

**Examiner**

Quang T Van

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-29 is/are allowed.
- 6) ☐ Claim(s) 1,2,10,11,14,15 and 17 is/are rejected.
- 7) ☒ Claim(s) 3-9,12,13 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/24/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 10, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters, Jr. (US 3,790,735). Peters discloses, figure 13, an inductive heated bake oven comprising two different heat sources (35a-35d and 55) to heat food in a cooking container; and a controller to control operations of heating and cooking the food by operating one or both of the two heat sources according to an operating mode (col. 12, lines 64-68). Peters also discloses a cooling circulating fan for cooling induction coils to improve the operating efficiency of the inductively heated bake oven (col. 11, lines 63-68).
4. Claims 1-2, 10, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Nobuto et al (JP01070619A). Nobuto discloses an inductive heated bake oven (1) comprising two different heat sources (4, 4', and 5, 5') to heat food in a cooking container (2); and a controller to control operations of heating and cooking the food by operating one or both of the two heat sources according to an operating mode (abstract).

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5. Claims 1-2, 10, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuda (JP02213086A). Okuda discloses a cooking apparatus comprising two different heat sources (8 and 12) to heat food in a cooking container (B); and a controller (15) to control operations of heating and cooking the food by operating one or both of the two heat sources according to an operating mode (abstract).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters, Jr. (US 3,790,735) or Nobuto et al (JP01070619A) Or Okuda (JP02213086A) in view of Ogata et al (US 6,660,981). Peters, Nobuto and Okuda disclose substantially all features of the claimed invention except an inverter and a current detecting unit. Ogata discloses an inverter (3) and a current detecting unit (7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Peters, Nobuto and Okuda an inverter and a current detecting unit as taught by Ogata in order to supply driving power of a predetermined frequency to the induction heater and in order to detect current of an inverter.

8. Claims 3-9, 12-13, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Claims 18-29 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest a controller determines whether the material of the cooking container is suitable for induction heating depending on a detected current in the induction heater and operates the induction heater if the detected current in the induction heater is equal to or greater than a set value, and the plane heater if the detected current is less than the set value as recited in claim 18-27; and the steps of inductively heating food if the detected current is equal to or greater than a set value and plane heating food if the detected current is less than a set value as recited in claims 28-29.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Takahashi et al (US 6,008,482) discloses a microwave oven with induction steam generating apparatus. Poumey et al (US 4,996,405) discloses an inductive heated portable hot plate.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

September 22, 2004



Quang T Van  
Primary Examiner  
Art Unit 3742